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The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte D. MICHAEL BELL

Appeal No. 2000-1598
Application No. 08/934,968

ON BRIEF

MAILED

APR 15 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before HAIRSTON, KRASS and JERRY SMITH, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-10.

The invention is directed to bus systems within a computer. More particularly, it involves the embedding of control information in the bus system.

Independent claim 1 is representative and is reproduced as follows:

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1. A method for dynamically sending device data in a bus transaction comprising the steps of:

a first device generating a request comprising a plurality of fields including a device configurable field comprising device configurable data;

said first device issuing the request to a second device;

said second device generating a reply comprising a plurality of fields;

said second device copying the data received in the device configurable field into a designated field of the plurality of fields of the reply;

said second device issuing the reply to the first device.

The examiner relies on the following references:

Ward	5,448,708	Sep. 05, 1995
Glassen et al. (Glassen)	5,671,441	Sep. 23, 1997
		(filed Nov. 29, 1994)

Claims 1-10 stand rejected under 35 U.S.C. 103 as unpatentable over Ward in view of Glassen.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

The examiner takes the position that Ward discloses a first device 88 and a second device 100, wherein the first device issues a request, comprising a device control/data field, to the

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second device, the second device generating and issuing a reply which is a copy of the data received from the first device. The examiner turns to Glassen for a teaching of the data field including a device configuration field, referring to column 5, line 65 through column 6, line 31, and finds that it would have been obvious to have combined Glassen with Ward "because it would provide the dynamical configuration for device in the computer system" [answer-page 3].

Appellant's position is that Ward does not disclose a first device issuing a request to a second device with the second device issuing a reply to the first device, as claimed. Appellant points out that Ward is concerned with a shared memory connected between a sending unit 102 and a receiving unit 108 and that no requests containing a device configurable field containing data written into by the first device, or replies containing a copy of the data received in the device configurable field of the request are generated or used.

The examiner's response is to argue that Ward has a client entry 202 (a first device) sending a request to a server entity 208 (a second device) "by placing the request control element 204...wherein the request control element 204 contains a format identifier, a length field, common indicators field, source and

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destination fields, a correlation field and an entity-to-entity field that varies length...; the server 208 (i.e. second device) generates the control element 216 (i.e. reply) which contains (i.e. copies) the data into the control element 216 along with the fields..." [answer-page 4].

We have reviewed the many arguments of appellant and the examiner, along with the other evidence of record and we conclude therefrom that the examiner has not established a prima facie case of obviousness. Accordingly, we will not sustain the rejection of claims 1-10 under 35 U.S.C. 103.

Initially, we note that Ward does not disclose the claimed request wherein one of the fields in the plurality of fields in the request is "a device configurable field comprising device configurable data." The examiner recognized this deficiency and employed Glassen to provide the deficiency in Ward.

However, the examiner points to column 5, line 65 through column 6, line 31, of Glassen for the teaching of a device configuration field. Reference to that portion of Glassen reveals a plurality of fields for each entry of a table of I/O channel path identifiers. Also, contents of certain fields are associated with a programmable subchannel in a channel subsystem. While the plurality of fields in Glassen may be used to determine

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which channel path and I/O device address will be used when an instruction specifying a programmable subchannel is issued by the computer program, this does not appear to suggest a "device configurable field comprising device configurable data," as claimed, because the fields and configuration data records of Glassen are not part of a request, including configuration data, issued by a first device or a reply issued by a second device.. Rather, the fields and configuration data records of Glassen are merely parts of a main memory and a table of I/O channel path identifiers, as argued by appellant at page 8 of the principal brief. Thus, appellant appears to be correct in the assessment that Glassen does not disclose a device configurable field.

Furthermore, while we understand that the examiner relies on Ward for the communication between the first and second devices, even if we agreed, arguendo, that Glassen discloses a field specifying device configurable data, we are at a loss to determine what possible motive an artisan would have had in using any such teaching of a field specifying device configurable data in Ward in order to establish the instant claimed subject matter.

The examiner says that the combination would have been obvious because "it would provide the dynamical configuration for device in the computer system" [answer-page 3]. We do not

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understand what this means but, in any event, the examiner's rationale clearly falls far short of a cogent rationale as to why the artisan would have sought to combine any of the teachings of Ward with those of Glassen and, accordingly, no prima facie case of obviousness of the instant claimed subject matter has been shown by the examiner.


Moreover, we are unconvinced that Ward even discloses the second device "copying" the data received in the device configurable field into a designated field of the plurality of fields of the reply. The examiner identifies Figure 1 and column 4, lines 11-30, of Ward for the teaching of a second device 208 generating a reply (control element 216) which contains, i.e., "copies" the data into the control element 216 along with fields. Our review of that portion of Ward reveals no "copying," as claimed.

In short, we agree with appellant that the combination of Ward and Glassen would not teach or suggest "a first device issuing a request comprising a plurality of fields including [a] device configurable field to a second device, and the second device issuing a reply comprising a plurality of fields, one of which contains a copy of the data located in the device

The examiner's decision rejecting claims 1-10 under 35 U.S.C. 103 is reversed.

REVERSED


KENNETH W. HAIRSTON
Administrative Patent Judge


ERROL A. KRASS
Administrative Patent Judge

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Jerry Smith
JERRY SMITH
Administrative Patent Judge

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